



EFW

PATENT
Customer No. 22,852
Attorney Docket No. 08888.0530-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Patrick BENOIT *et al.*) Group Art Unit: 1635
)
Application No.: 10/802,030) Examiner: Terra C. Gibbs
)
Filed: March 17, 2004)
) Confirmation No.: 3970
For: SEQUENCES UPSTREAM OF)
THE CARP GENE, VECTORS)
CONTAINING THEM AND USES)
THEREOF)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action mailed July 19, 2006 ("Office Action"), the Examiner required restriction under 35 U.S.C. § 121 among the following groups:

Group I. Claims 1, 2, 7, and 9-19, allegedly drawn to a polynucleotide comprising a fragment of SEQ ID NO:3, or a fragment of a sequence that hybridizes under high stringency conditions to SEQ ID NO:3, wherein said polynucleotide, in the absence of inverted terminal repeat sequences from AAV, specifically induces expression in cardiac cells *in vivo* of a gene which is operably linked to said polynucleotide and an expression cassette comprising said polynucleotide, classifiable in class 536, subclass 24.5.

Group II. Claims 1, 2, 7, and 9-19, allegedly drawn to a polynucleotide comprising a fragment of SEQ ID NO:4, or a fragment of a sequence that hybridizes under high stringency conditions to SEQ ID NO:4, wherein said polynucleotide, in the absence of inverted terminal repeat sequences from AAV,